

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ESTATE OF JAMES L. DODSON, DECEASED

Claim No. CU-8788

Decision No. CU

6278

Under the International Claims Settlement
Act of 1949, as amended

Represented by Cia. Minera Lehigh, S.A.

Counsel for Cia. Minera Lehigh, S.A.:

Clifford, Warnke, Glass, McIlwain & Finney
By James T. Stovall, III, Esq.

PROPOSED DECISION

This claim was submitted on behalf of the ESTATE OF JAMES L. DODSON, DECEASED, under Title V of the International Claims Settlement Act of 1949, as amended, for a loss based on the ownership of shares of stock of Compania Minera Lehigh, S.A., a corporation organized under the laws of Cuba.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to Ownership of Claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States, . . . The term does not include aliens."

Thus, in order for the Commission to favorably consider claims under Section 503(a) of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

The evidence discloses that the properties of the Compania Minera Lehigh, S.A. were nationalized or otherwise taken by the Government of Cuba on November 23, 1959. The evidence further discloses that on that date the deceased James L. Dodson owned 46 shares of stock of the said Cuban company. James L. Dodson, a national of the United States, was a resident of London, England; he died on June 14, 1960 leaving a last will wherein he named his widow, Betty Clare Dodson, his sole heir. The record

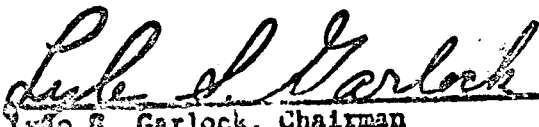
shows that Betty Clare Dodson, the present owner of the shares of stock, was never and is not presently a national of the United States.

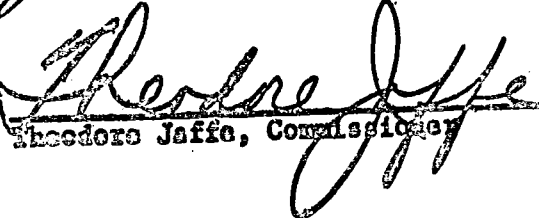
It is therefore evident that this claim was not owned by a national of the United States on November 1, 1965, when the claim filed on her behalf was validated and that such claim cannot be considered under the provisions of Title V of the Act. (See Claim of Sigridur Einardsdottir, Claim No. CU-0728, 25 FCSC Semiann. Rep. 45 [July-Dec. 1966].)

For the foregoing reasons this claim must be and it is hereby denied.

Dated at Washington, D. C.
and entered as the Proposed
Decision of the Commission

JUL 14 1971


Leo S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended, (1970).)

CU-8788